

SECOND REGULAR SESSION

SENATE BILL NO. 1129

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 12, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5076S.011

AN ACT

To repeal section 162.1100, RSMo, relating to transitional school districts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 162.1100, RSMo, is repealed, to be known as section

2 162.1100, to read as follows:

[162.1100. 1. There is hereby established within each city
2 not within a county a school district to be known as the
3 "Transitional School District of (name of city)", which shall be a
4 body corporate and politic and a subdivision of the state. The
5 transitional school district shall be coterminous with the
6 boundaries of the city in which the district is located. Except as
7 otherwise provided in this section and section 162.621, the
8 transitional school district shall be subject to all laws pertaining
9 to "seven-director districts", as defined in section 160.011,
10 RSMo. The transitional school district shall have the responsibility
11 for educational programs and policies determined by a final
12 judgment of a federal school desegregation case to be needed in
13 providing for a transition of the educational system of the city from
14 control and jurisdiction of a federal court school desegregation
15 order, decree or agreement and such other programs and policies
16 as designated by the governing body of the school district.

17 2. (1) The governing board of the transitional school
18 district shall consist of three residents of the district: one shall be
19 appointed by the governing body of the district, one shall be
20 appointed by the mayor of the city not within a county and one

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

21 shall be appointed by the president of the board of aldermen of the
22 city not within a county. The members of the governing board
23 shall serve without compensation for a term of three years, or until
24 their successors have been appointed, or until the transitional
25 district is dissolved or terminated. Any tax approved for the
26 transitional district shall be assigned to the governing body of the
27 school district in a city not within a county after dissolution or
28 termination of the transitional district.

29 (2) In the event that the state board of education shall
30 declare the school district of a city not within a county to be
31 unaccredited, the member of the governing board of the transitional
32 district appointed by the governing body of the district as provided
33 in subdivision (1) of this subsection shall, within ninety days, be
34 replaced by a chief executive officer nominated by the state board
35 of education and appointed by the governor with the advice and
36 consent of the senate. The chief executive officer need not be a
37 resident of the district but shall be a person of recognized
38 administrative ability, shall be paid in whole or in part with funds
39 from the district, and shall have all other powers and duties of any
40 other general superintendent of schools, including appointment of
41 staff. The chief executive officer shall serve for a term of three
42 years or until his successor is appointed or until the transitional
43 district is dissolved or terminated. His salary shall be set by the
44 state board of education.

45 3. In the event that the school district loses its
46 accreditation, upon the appointment of a chief executive officer, any
47 powers granted to any existing school board in a city not within a
48 county on or before August 28, 1998, shall be vested with the
49 special administrative board of the transitional school district
50 containing such school district so long as the transitional school
51 district exists, except as otherwise provided in section 162.621.

52 4. The special administrative board's powers and duties
53 shall include:

54 (1) Creating an academic accountability plan, taking
55 corrective action in underperforming schools, and seeking relief
56 from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax.

(2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this subsection shall:

(a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant to sections 99.700 to 99.715, RSMo; and

(b) Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such

93 tax increment financing.

94 (3) The transitional school district shall not be subject to
95 the provisions of section 162.081, sections 163.021 and 163.023,
96 RSMo, with respect to any requirements to maintain a minimum
97 value of operating levy or any consequences provided by law for
98 failure to levy at least such minimum rate. No operating levy or
99 increase in the operating levy or sales tax established pursuant to
100 this section shall be collected for a transitional school district
101 unless prior approval is obtained from a simple majority of the
102 district's voters. The board of the transitional district shall place
103 the matter before the voters prior to March 15, 1999.

104 6. (1) The special administrative board established in this
105 section shall develop, implement, monitor and evaluate a
106 comprehensive school improvement plan, and such plan shall be
107 subject to review and approval of the state board of education. The
108 plan shall ensure that all students meet or exceed grade-level
109 standards established by the state board of education pursuant to
110 section 160.514, RSMo;

111 (2) The special administrative board shall establish student
112 performance standards consistent with the standards established
113 by the state board of education pursuant to section 160.514, RSMo,
114 for preschool through grade twelve in all skill and subject areas,
115 subject to review and approval of the state board of education for
116 the purpose of determining whether the standards are consistent
117 with standards established by the state board of education
118 pursuant to section 160.514, RSMo;

119 (3) All students in the district who do not achieve
120 grade-level standards shall be required to attend summer school;
121 except that the provisions of this subsection shall not apply to
122 students receiving special education services pursuant to sections
123 162.670 to 162.999;

124 (4) No student shall be promoted to a higher grade level
125 unless that student has a reading ability at or above one grade
126 level below the student's grade level; except that the provisions of
127 this subsection shall not apply to students receiving special
128 education services pursuant to sections 162.670 to 162.999;

129 (5) The special administrative board established in this
130 section shall develop, implement and annually update a
131 professional development plan for teachers and other support staff,
132 subject to review and approval of the state board of education.

133 7. The school improvement plan established pursuant to
134 this section shall ensure open enrollment and program access to all
135 students in the district, and, consistent with the Missouri and
136 United States Constitutions, shall give first priority to residents of
137 the city for admission to magnet schools. The school board shall
138 take all practicable and constitutionally permissible steps to ensure
139 that all magnet schools operate at full capacity. Students who
140 change residence within the district shall be allowed to continue to
141 attend the school in which they were initially enrolled for the
142 remainder of their education at grade levels served by that school,
143 and transportation shall be provided by the district to allow such
144 students to continue to attend such school of initial enrollment.

145 8. To the extent practicable, the special administrative
146 board shall ensure that per pupil expenditures and pupil-teacher
147 ratios shall be the same for all schools serving students at a given
148 grade level.

149 9. The special administrative board shall ensure that early
150 childhood education is available throughout the district.

151 10. The special administrative board shall ensure that
152 vocational education instruction is provided within the district.

153 11. The special administrative board shall establish an
154 accountability officer whose duty shall be to ensure that
155 academically deficient schools within the district are raised to
156 acceptable condition within two years.

157 12. The transitional school district in any city not within a
158 county shall be dissolved on July 1, 2008, unless the state board
159 determines, prior to that date, that it is necessary for the
160 transitional district to continue to accomplish the purposes for
161 which it was created. The state board of education may cause the
162 termination of the transitional school district at any time upon a
163 determination that the transitional district has accomplished the
164 purposes for which it was established and is no longer needed. The

165 state board of education may cause the reestablishment of the
166 transitional school district at any time upon a determination that
167 it is necessary for the transitional district to be reestablished to
168 accomplish the purposes established in this section. The state
169 board of education shall provide notice to the governor and general
170 assembly of the termination or reestablishment of the transitional
171 school district and the termination or reestablishment shall become
172 effective thirty days following such determination. Upon
173 dissolution of a transitional school district pursuant to this section,
174 nothing in this section shall be construed to reduce or eliminate
175 any power or duty of any school district or districts containing the
176 territory of the dissolved transitional school district unless such
177 transitional school district is reestablished by the state board of
178 education pursuant to this section.]

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Bill

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